

UNITED STATES DISTRICT COURT
 for the
 Western District of Virginia

APR 13 2015
 JULIA C. HEDLEY CLERK
 BY: *J. C. Hedley*
 DEPUTY CLERK

United States of America)	
v.)	
TIMOTHY A. BROWN)	Case No: <u>4:09cr00033-002</u>
)	USM No: <u>14447-084</u>
Date of Previous Judgment: <u>08/08/2013</u>)	Defendant's Attorney
(Use Date of Last Amended Judgment if Applicable))	

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 94 months is reduced to 88 months*.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>23</u>	Amended Offense Level: <u>21</u>
Criminal History Category: <u>IV</u>	Criminal History Category: <u>IV</u>
Previous Guideline Range: <u>70</u> to <u>87</u> months	Amended Guideline Range: <u>57</u> to <u>71</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain): _____

III. ADDITIONAL COMMENTS

* Defendant's sentence is reduced to 88 months, but not less than time served. Defendant's sentence consists of twenty-eight (28) months on Count One, and sixty (60) months on Count Two, which are to run consecutively. Defendant's Motion to Appoint Counsel [ECF No. 63] is DENIED.

Except as provided above, all provisions of the judgment dated 08/08/2013 shall remain in effect.

IT IS SO ORDERED.

Order Date: 4-13-15

Effective Date: 11/01/2015
 (if different from order date)


 Judge's signature

Hon. Jackson L. Kiser, Senior U.S. District Judge
 Printed name and title